

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

December 27, 2011

Lyle W. Cayce  
Clerk

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No. 11-40224  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GREGORIO GALINDO-ROMERO,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:10-CR-263-2

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Before HIGGINBOTHAM, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Gregorio Galindo-Romero has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*<sup>1</sup> and *United States v. Flores*.<sup>2</sup> Galindo-Romero has filed two responses. The record is insufficiently developed to allow consideration at this

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

<sup>1</sup> 386 U.S. 738 (1967).

<sup>2</sup> 632 F.3d 229 (5th Cir. 2011).

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time of Galindo-Romero's claim of ineffective assistance of counsel; such a claim generally "cannot be resolved on direct appeal when the claim has not been raised before the district court since no opportunity existed to develop the record on the merits of the allegations."<sup>3</sup> We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Galindo-Romero's responses. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED.<sup>4</sup>

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<sup>3</sup> *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006) (quoting *United States v. Pierce*, 959 F.2d 1297, 1301 (5th Cir. 1992)).

<sup>4</sup> See 5TH CIR. R. 42.2.